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p. 2.

In Re Application of:

Serial No.: 09/755,734

Group Art Unit: 1632

Filing Date: December 4, 1998

Examiner: A. Beckerleg

Title: METHODS FOR DELIVERING DNA TO THE BLOODSTREAM USING RECOMBINANT ADENO-ASSOCIATED VIRUS VIRIONS

## TERMINAL DISCLAIMER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Avigen, Inc., hereinafter "Assignee", a Delaware corporation, having an address at 1201 Harbor Bay Parkway, #1000, Alameda, California 94501, is the owner of the entire right, title and interest in and to U.S. Patent No. 6,211,163 filed May 10, 1999 and issued April 3, 2001 by virtue of an assignment recorded in parent Application Serial No. 08/588,355 on May 15, 1996 at Reel 7946, Frame 0394, as well as the owner of the entire right, title and interest in and to herein application Serial No. 09/755,734, by virtue of the same assignment.

10/10/2017  
Page 17  
In accordance with 37 C.F.R. §3.73(b), Assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of Assignee's knowledge and belief, title is in the assignee seeking to take this action.

The assignee hereby disclaims the terminal part of any patent granted on the herein application Serial No. 09/755,734 which would extend beyond the expiration date of U.S. Patent No. 6,211,163, and agrees that any patent granted on the herein application 09/755,734 will be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,211,163, this agreement to

run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,211,163 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Executed at Alameda, California

By: \_\_\_\_\_

Kenneth Chahine

Title: \_\_\_\_\_

**Kenneth G. Chahine, Ph.D., J.D.**

Date: \_\_\_\_\_

*Vice President, Business Development*  
*Chief Patent Counsel*

*November 6, 2001*